



Agenda Date: 12/19/01  
Agenda Item: IIIA

## **STATE OF NEW JERSEY**

### ***Board of Public Utilities***

*Two Gateway Center  
Newark, NJ 07102*

#### CABLE TELEVISION

IN THE MATTER OF COMCAST CABLEVISION )  
OF GLOUCESTER COUNTY, INC. AND )  
COMCAST CABLEVISION OF GARDEN STATE, )  
INC. REQUEST FOR WAIVER, NUNC PRO )  
TUNC, OF THIRTY-DAY NOTICE PERIOD )

#### DECISION AND ORDER

DOCKET NO. CO01100652

(SERVICE LIST ATTACHED)

BY THE BOARD:

On October 4, 2001, Comcast Cablevision of Gloucester County, Inc. and Comcast Cablevision of Garden State, LLP ("Petitioners"), with offices located at 304 South Broad Street, Woodbury, New Jersey 08096 and 1250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034, respectively, filed a letter, in lieu of Petition, with the Board, pursuant to N.J.A.C. 14:18-3.17(c) 4, requesting a waiver of the time requirements for providing notice of a change in alteration of channel allocation, with respect to an addition to its programming.

Specifically, Petitioners announced the addition of Fox News Network ("Fox News") in the Comcast of Gloucester County and Comcast Garden State systems on converter channels 46 and 72 respectively, effective October 17, 2001. To allow for these channel additions, Petitioners were required to delete classified ads airing on channel 46 in the Gloucester County system and Pay Per-View (PPV) programming on channel 72 in the Garden State system.

In light of recent events, Petitioners determined that, in the interest of providing more news information to subscribers, it was preferable to add Fox News to its channel lineup as soon as possible. Consequently, the Petitioners' systems were unable to provide subscribers and municipalities with notice of the change at least thirty (30) days in advance.

Additionally, Comcast Garden State will not launch Fox News in the Township of Carneys Point at this time. Customers there can expect a new channel line-up that includes Fox News in December 2001.

The above referenced Comcast systems serve approximately 258,858 subscribers in Burlington, Camden, Gloucester, Ocean and Salem Counties, New Jersey.

N.J.A.C. 14:18-3.17(c) 4 allows for relaxation of the thirty (30) day notice requirement when a substantial benefit to subscribers would be irretrievably lost.

Additional information, attesting to the notice provided to both subscribers and affected municipalities, was submitted October 11, 2001. Municipal officials in both the Garden State and Gloucester County systems were notified of the change by way of letters dated October 9, 2001. Subscribers in the Garden State and Gloucester County systems were notified of the change by way of legal notice and cross channel promotion on/or about October 16, 2001.

Having reviewed this matter, the Board FINDS that a waiver of the thirty (30) day notice requirement of N.J.A.C. 14:18-3.17(c) 4 is appropriate. Therefore, pursuant to N.J.A.C. 14:18-3.17(c) 4, the Board HEREBY APPROVES, nunc pro tunc, Petitioners' request for waiver of the notice requirements as hereinabove described.

DATED: December 19, 2001

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

CONNIE O. HUGHES  
PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CAROL J. MURPHY  
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN  
ACTING SECRETARY

**IN THE MATTER OF  
COMCAST CABLEVISION OF GLOUCESTER COUNTY, INC. AND COMCAST  
CABLEVISION OF GARDEN STATE, INC. REQUEST FOR WAIVER, NUNC PRO  
TUNC, OF THIRTY DAY NOTICE PERIOD**

**DOCKET NO. CO01100652**

Dennis C. Linken, Esq.  
Stryker, Tams & Dill, LLP  
Two Penn Plaza East  
Newark, NJ 07102

Celeste M. Fasone, Director  
Office of Cable Television  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Charles A. Russell, Esq., Deputy Director  
Office of Cable Television  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Joseph Haldusiewicz, Esq.  
Deputy Attorney General  
State of New Jersey  
Division of Law  
124 Halsey Street  
Newark, NJ 07102

Richard Daul, Chief  
Bureau of Accounts  
Office of Cable Television  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

William H. Furlong, Chief  
Bureau of Inspection & Enforcement  
Office of Cable Television  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Dr. Fred S. Grygiel  
Chief Economist  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Carol Entenza-Artale, Esq.  
Legal Specialist  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Blossom Peretz, Esq.  
Division of Rate Payer Advocate  
31 Clinton Street  
Newark, NJ 07102

Steven Rastatter  
Telecommunications Systems Analyst  
Office of Cable Television  
Board of Public Utilities  
2 Gateway Center  
Newark, NJ 07102